

CJ-2021-2783
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**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

BRITANEY NICOLE WELLS, on behalf of)
the ESTATE OF MICHAEL SCOTT HAYES,)
DECEASED,)

Plaintiff,)

v.)

GALFAB LLC, GALFAB HOLDINGS INC.)
and PREMIER TRUCK SALES & RENTAL,)
INC.)

Defendants.)

CJ-2021 - 2783

Case No **FILED IN DISTRICT COURT
OKLAHOMA COUNTY**

JUN 29 2021

**RICK WARREN
COURT CLERK**

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PLAINTIFF'S ORIGINAL PETITION

1. Plaintiff, Britaney Nicole Wells, Individually and on behalf of the Estate of Michael Scott Hayes, Deceased, hereinafter referred to as "Plaintiff" for her cause of action against Defendants, Galfab LLC, Galfab Holdings Inc. and Premier Truck Sales & Rental, Inc., alleges and states the following:

2. Plaintiff, Britaney Nicole Wells, is the biological daughter of Michael Scott Hayes, Deceased, and is a resident of Marshall, Oklahoma.

3. Nancy Plunkett as Next Friend of Cody Austin Plunkett, is the biological mother of Michael Scott Hayes, Deceased. Cody Austin Plunkett is the biological son of Michael Scott Hayes, Deceased. Both are residents of Noble, Oklahoma.

4. Defendant Galfab LLC is a Foreign Limited Liability Company and conducting business in Oklahoma. Defendant Galfab LLC may be served by serving its Registered Agent, Corporation Service Company, 135 North Pennsylvania Street, Suite 1610, Indianapolis, IN, 46204.

5. Defendant Galfab Holdings Inc. is a Foreign For-Profit Corporation and conducting business in Oklahoma. Defendant Galfab Holdings Inc. may be served by serving its Registered Agent, Corporation Service Company, 135 North Pennsylvania Street, Suite 1610, Indianapolis, IN, 46204

6. Defendants Galfab LLC and Galfab Holdings Inc. will be collectively referred to herein as “Galfab.”

7. Defendant Premier Truck Sales & Rental, Inc., hereinafter referred to as “Premier” is a Corporation for Profit and conducting business in Oklahoma. Premier Truck Sales & Rental, Inc. may be served by serving its registered agent, BDB Agent Co., 3800 Embassy Parkway, Suite 300, Akron Oh 44333.

8. This Court has personal jurisdiction over the parties and venue is proper in Oklahoma County, Oklahoma.

9. On or about October 5, 2020, on NE 16th Street and Spencer Road in Midwest City, Oklahoma, Michael Scott Hayes had a malfunction with his work equipment while preparing to move the large dumpster to another location. Hayes was violently struck in the back of the head as a result of the pin malfunction on the roll-off. As a direct and proximate result of this accident, Michael Hayes, deceased, suffered severe personal injuries which lead to his untimely death.

10. Galfab/Premier, are in the business of designing, manufacturing, marketing, selling, and servicing roll-off hoists machinery. Galfab/Premier designed, manufactured, sold, and serviced the subject roll-off involved in the incident in this case.

11. The subject roll-off was designed, manufactured, and placed into the stream of commerce by Defendants.

12. Galfab and Premier's actions were the proximate cause of the Plaintiff's injuries and damages.

13. As a result of the actions of the Defendants, Plaintiff suffered the following damages:

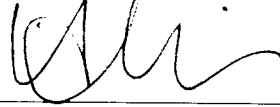
- a. Loss of financial support of contributions of money to the minor child of the decedent;
- b. The grief of the children of the decedent;
- c. The pain and suffering of the decedent;
- d. The loss of the companionship of the decedent by his children; and
- e. The medical and burial expenses.

14. Plaintiff, as a proximate result of the Defendants' conduct have suffered physical pain and suffering in the past and future, physical impairment in the past and future, past and future medical expenses, past lost wages, and lost future earning capacity.

15. The actions of the Defendants were of such gross neglect or of such a reckless disregard for the safety of the public in general, and the Plaintiff in particular, so as to subject her to the imposition of punitive or exemplary damages to punish or make an example of each Defendant in a sum in excess of \$50,000.00 each.

WHEREFORE, Plaintiff prays judgment against the Defendants and request damages in excess of \$75,000.00, plus interest and costs, and any further relief this Court deems just and equitable.

Respectfully submitted,



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ATTORNEYS FOR PLAINTIFF

ATTORNEY LIEN CLAIMED

JURY TRIAL DEMANDED